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REMARKS

Claim 1 has been amended to recite that the complement of the nucleotide sequence of (a) and the nucleotide sequence have the same number of nucleotides and are 100% complementary. Support for this clarification can be found in the specification on page 13 at lines 8 – 17. Thus, it is believed that no new matter has been added.

Claim 5 has been amended to address the indefiniteness issue raised on page 5 of the Office Action. Thus, it is believed that no new matter has been added.

Claim 6 was amended to address the use of an indefinite article by replacing it with a definite article. Thus, it is believed that no new matter has been added.

Furthermore, the claims have been amended as suggested on page 7 of the Office Action by replacing the term “an isolated nucleic acid fragment” with “an isolated nucleic acid.” Thus, it is believed that no new matter has been added.

Claims 1-5 and 7-9 were rejected under 35 USC §112, first paragraph, on the ground that the claims do not require that the complement of (a) of claim 1 is a full length complement of (a) of claim 1 and do not recite a functional limitation for the nucleic acid comprising the complement.

It is respectfully submitted that this ground of rejection has been obviated in view of the amendment of claim 1. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claim 5 was rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the rejection.

It is respectfully submitted that the antecedency basis has been addressed by the amendment of claim 5. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claims 1-5 and 7-9 were rejected under 35 USC §102(b) as being anticipated by Takeshima et al. (FEBS Letters 337:81-87, 1994) on the ground that since “the ryanodine receptor of Takeshima et al. shares a high degree of homology with the amino acid sequence of SEQ ID NO:128 of the present invention. . .the complementary sequence of the DNA sequence of Takeshima et al. comprises the complement of (a) of claim 1.”

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It is respectfully submitted that this ground of rejection has been obviated in view of the amendment of claim 1. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claims 1-5 and 7-9 were rejected under 35 USC §102(b) as being anticipated by Puente et al. (*Insect Biochemistry and Molecular Biology* 30:335-347, 2000).

It is respectfully submitted that this ground of rejection has been obviated in view of the amendment of claim 1. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claim 6 has been amended as suggested on page 7 of the Office Action as discussed above. Accordingly, withdrawal of the objection to claim 6 is respectfully requested.

The claims have also been amended as suggested on page 7 of the Office Action, namely, the term "an isolated nucleic acid fragment" has been replaced with the term "an isolated nucleic acid." Accordingly, withdrawal of the objection to the claims on this ground is respectfully requested.

A petition for a one (a) month extension of time accompanies this response.

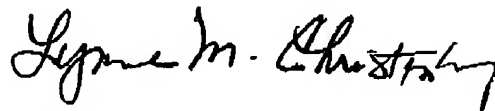
It is respectfully submitted that the claims are now in form for allowance, which allowance is respectfully solicited.

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Please charge any fees or credit any overpayment of fees which are required in connection with the filing of this Response Deposit Account No.: 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,



LYNNE M. CHRISTENBURY
ATTORNEY FOR APPLICANTS

Registration No.: 30,971

Telephone: (302) 992-5481

Facsimile: (302) 892-1026

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